

PECHMAN LAW GROUP PLLC

A T T O R N E Y S A T L A W

488 MADISON AVENUE
NEW YORK, NEW YORK 10022
(212) 583-9500
WWW.PECHMANLAW.COM

January 11, 2022

VIA ECF

Honorable Sarah L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1670
New York, New York 10007

Re: *Sanchez v. Cosan Construction Corp.*, 21 Civ. 6744 (PGG) (SLC)
(Joint Letter-Motion re: Mediation Adjournment)

Dear Judge Cave:

We represent Plaintiffs Lauro Sanchez and Juan Eusebio Santiago (“Plaintiffs”), on behalf of themselves and a purported class of similarly situated workers, against Defendants Cosan Construction Corp., AMCG Inc., Terrence James Ferguson, and Aaron King (collectively, “Defendants”). As is explained in more detail below, Plaintiffs and Defendants (the “Parties”), through their respective counsel, jointly submit this letter-motion to request that the mediation scheduled for February 9, 2022, be adjourned to a later date following completion of paper discovery in this case.

To preserve resources, the Parties have agreed in principle to stipulate to the conditional certification of a collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b). The Parties must now agree to a notice to be sent to Defendants’ employees, submit their stipulation and proposed notice to the Court, disseminate the notice, and then proceed with this action after an unknown number of individuals opt-in to it. Furthermore, Plaintiffs also intend to proceed with their claims against Defendants on a class action basis under Rule 23 of the Federal Rules of Civil Procedure. Plaintiffs will make a motion for certification of the purported class action later in this case, after the completion of at least paper discovery for the named Plaintiffs and any opt-in plaintiffs. As such, proceeding to mediation at this juncture is respectfully premature.

For the foregoing reasons, the Parties jointly request that the mediation scheduled for February 9, 2022, be adjourned to a date after the completion of paper discovery and, if applicable, a decision on Plaintiffs’ motion for class action certification under Rule 23. The Parties further request that the Court hold an initial pretrial conference, at which the Parties can discuss in further detail with the Court the conditional certification of the

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FLSA collective action, anticipated paper discovery, and Plaintiffs' anticipated motion for class action certification.

We thank the Court for its time and attention to this matter and are available to answer the Court's questions if necessary.

Respectfully submitted,

/s/ Gianfranco J. Cuadra

Gianfranco J. Cuadra

cc: Counsel for Defendants (via ECF)